

## **REMARKS**

Applicant will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

### **Drawings**

In the Office Action, the Examiner objects to the drawings as not clearly discernable. In response, Applicant is submitting formal drawings herewith which should overcome the Examiner's objections. No amendments or new matter have been added to the drawings. Accordingly, it is respectfully requested that these formal drawings be entered and allowed, and the objection withdrawn.

### **Specification**

The Examiner also objects to Claim 11 for an informality therein. In particular, the Examiner objects to the phrase "at a selected keep open rate" as being unclear. While Applicants traverse this objection, in order to advance the prosecution of this application, Claim 11 has been canceled, rendering this objection moot. Accordingly, it is respectfully requested that this objection be withdrawn.

### **Claim Rejections - 35 USC §102**

The Examiner also rejects Claims 1, 4, 7 and 11 under 35 USC §102(b) as being anticipated by Ginaturco (US 4,445,896). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Claims 1, 4, 7 and 11 have been canceled, rendering this rejection moot. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claim Rejections - 35 USC §103

The Examiner also has the following rejections under 35 USC §103(a):

- A. Claims 2, 3 and 12-15 are rejected as being unpatentable over Gianturco in view of Aalto et al. (US 4,597,758).
- B. Claims 8-10 are rejected as being unpatentable over Gianturco in view of Doyle (US 6,290,206).
- C. Claim 16 is rejected as being unpatentable over Gianturco and Aalto et al. in view of Doyle.

Each of these rejections is respectfully traversed.

Applicants respectfully submit that Gianturco and the other cited references do not disclose or suggest the claimed invention. Further, while Applicants traverse this rejection, in order to advance prosecution of this application, Applicants have amended Independent Claim 12 to better claim the present invention.

Amended Independent Claim 12 is directed to a cap or vascular cap lumen wherein the cap has a body defining three regions. The first region includes an elastomeric plug, the second region includes a fluid storage chamber, and the third region includes a fluid permeable filter and through hole. Each is located adjacent to the other, from one end of the cap to the other end. It is respectfully submitted that such a cap is not disclosed in any of the cited references.

For example, Gianturco appears to disclose a catheter plug having an injection port 24, a latex rubber septum 17 at one end of the plug and a through hole 21 and compressionable chamber going through the rest of the plug. It does not have the three regions defined in the present invention

and provides no suggestion to do so. Further, the latex rubber septum is not cylinder shaped as in the claimed invention. Further, there is no disclosure of use of fluid with the cap. The other references fail to disclose these claimed features. Accordingly, independent Claim 12 and those claims dependent thereon are patentable over the cited references.

Therefore, it is respectfully requested that these rejections be withdrawn.

#### New Claims

Applicant is also adding new Claims 25-28. Each of these claims reads on the first embodiment in Fig. 1. It is respectfully submitted that none of the features of these claims are disclosed or suggested by the cited references. Accordingly, they are allowable over these references.

Please charge our deposit account 50/1039 for any fee for these new claims.

#### CONCLUSION

For at least the above-stated reasons, the present application is now in an allowable condition and should be allowed.

Please charge our deposit account 50/1039 for any further fee for this amendment and the new claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Murphy', written over a horizontal line.

Mark J. Murphy

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